IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Larry M. Proctor

Reissue Application of Patent No 5,894,079

Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA



REISSUE DECLARATION AND POWER OF ATTORNEY

Honorable Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

We, the undersigned inventor and assignee of the above identified patent, hereby declare that:

Our residences, post offices and citizenships are as stated below next to our respective names.

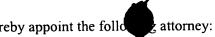
I, the named inventor, believe I am the original, first inventor of the subject matter claimed and for which a reissue patent is sought on the invention as entitled above the specification, drawing and claims of which are attached hereto, and the undersigned assignee believes that this named inventor is the first and original inventor of the subject matter claimed.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims.

We acknowledge the duty to disclose information which is known to us to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby assert that this application to reissue the above-identified patent has been filed in order to correct certain defects in the patent that render it partially inoperative. First, it claims less than we had the right to claim. Reference is made to new claims added to this patent by this reissue application as evidence of the added material that could have been claimed by us and now is being claimed by us. Second, a series of references have been cited in a reexamination request filed recently, and we ourselves have additional art to cite, including a prior art bean that was inadvertently not cited during the original examination of the above-identified patent. These above-referred to errors arose without deceptive intent.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent reissued thereon.



Emery L. Tracy, Reg. No. 34,081 P.O. Box 1518 Boulder, Colorado 80306

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to him.

Full name of sole inventor: Larry M. Proctor
Inventor's signature: Larry M. Procto Date: 1/29/01
Residence: 269 Highway 348, Delta, Colorado 81416
Citizenship: USA
Post Office Address: same
Full name of assignee: Pod-Ners, L.L.C.
Full name of assignee: Pod-Ners, L.L.C. Assignee's signature by: Title: Registered Agent
Date:
Post Office Address 269 Highway 348, Delta, Colorado 81416

VERIFIED STATEMEN (37 CFR 1.9(f) & 1.2. SMALL BUSINESS CONCERN



Docket Number (optional) 19742-001

Applicants or Patentees:	Larry M. Proctor	
Serial or Patent No.:	Not Yet Assigned	
Filed or Issued:	Not Yet Assigned	
Title:	FIELD BEAN CULTIVAR NAMED ENOLA	
Title.	JAH 2 1 8	
I hereby declare that I am		
	E. S	
[X] the owner of the small business concern identified below: [] an official of the small business concern empowered to act on behalf of the concern identified below:		
NAME OF SMALL BUSI	NESS CONCERN: Pod-Ners, L.L.C.	
ADDRESS OF SMALL B	•	
ADDRESS OF SMALL B	OSINESS CONCERN. 209 Inghway 546, Detta, CO 61416	
I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.		
to the invention described	under contract or law have been conveyed to and remain with the small business concern identified above with regard in:	
	filed herewith with title as listed above.	
the application identified above. the patent identified above.		
[1] [1] [1] [2] [3] [4] [4] [4] [4] [4] [4] [4] [4] [4] [4		
other than the inventor, wh	o would qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern s a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).	
	rganization having any rights in the invention is listed below: person, concern, or organization exists.	
	rson, concern or organization is listed below.	
Separate verified statement as small entities. (37 CFR	ts are required from each named person, concern or organization having rights to the invention averring to their status 1.27)	
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.		
NAME OF PERSON SIGN		
TITLE OF PERSON IF O' ADDRESS OF PERSON S		
SIGNATURE Jan	J. M. Rroctor DATE 1/11/01	

Docket No.: 19742 - 001



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Larry M. Proctor

Reissue Application of Patent No. 5,894,079

Applications Branch

Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA

ASSIGNEE'S ASSENT TO REISSUE

Honorable Assistant Commissioner for Patents Washington, D. C. 20231

Sir:

In accordance with the provisions of 37 CFR 1.172, undersigned Assignee of U.S. Patent 5,894,079 to Larry M. Proctor, of which it is the owner by Assignment of the entire interest, hereby assents to filing of the accompanying reissue application therefor, and further assents to filing of the reissue oath by the inventor thereof.

POD-NERS, L.L.C.

By: Larry M. Proctor

Title: Registered Agent

Date: 1/29/01